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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/646,089	02/01/2001	Pamela Boujra	67190/984046	3756

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NEW YORK, NY 10004

EXAMINER
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KITOV, ZEEV

ART UNIT	PAPER NUMBER
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2836

DATE MAILED: 01/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/646,089

Applicant(s)

BOUJRA ET AL.

Examiner

Zeev Kitov

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 11 - 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11 - 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 20.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 19, 11 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Yalla et al. (5,224,011), which discloses all the elements of Claim 19 including an electronic tripping device having an operating face (col. 3, lines 30 – 31), an adjusting circuit deriving an internal signal for the tripping device (elements 22 and 23 in Fig. 5), adjusting elements, which are key switches (elements 73a, 73b, 74, 75 and 76 in Fig. 1), and the LCD display elements (element 41 in Fig. 5). The adjusting elements are used to set the tripping parameters, such as a tripping current (elements 50, 50N and 51VC in Fig. 17) and a time delay (elements 32 and 79 in Fig. 17).

Regarding Claim 11, Yalla et al. disclose more than three keys (elements 73a, 73b, 74 and 75 in Fig. 1) used for adjusting elements for all LCD elements altogether. It further discloses the display including the LCD element for each of the tripping parameters (see Fig. 11b, 12c and d, 13, 14), wherein each of the tripping parameters is represented by its own element. Switches 73a, 73b, 74 and 75 in Fig. 1 represent one key set used for adjusting all the LCD elements.

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Regarding Claim 14, Yalla et al. disclose the numeric display (col. 27, lines 22 – 27).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yalla et al. in a view of Dvorak et al. (US 5,852,643). As was stated above, Yalla et al. disclose all the elements of Claim 19. Regarding Claim 12, they further disclose the switch selecting a desired entry (element 73a in Fig. 1), the switch providing calibration (element 76 in Fig. 1). However, they do not disclose the switch activating the display fields in an absence of auxiliary power. According to the AAPA, the Applicant used the Kent LCD display with “no power” feature, which can retain the latest information without power supply for practically unlimited amount of time. Dvorak et al. disclose the switch activating the display fields in an absence of auxiliary power (element 52 in Fig. 1). When the power switch is in off position, the “no power” LCD display can retain the latest information without interference. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the Yalla et

al. solution by adding the third switch according to Dvorak, because it will make possible to read the last readings of the device in the event of a power outage.

Claims 13, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yalla et al in a view of Durivage (US 5,038,246). Regarding Claim 13, Yalla et al., do not disclose the bar displays. Durivage shows electronic tripping device display (element 322 in Fig. 3a, col. 5, line 37 – col. 6, line 47). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the Yalla et al. solution by using the bar displays because it provides for a better visualization of the measured parameter and helps to get a visual information not only on an instant value of the measured parameter, but also on its current trend.

Regarding Claims 15 and 16, Durivage shows a scale (elements 332 – 335 in Fig. 3a, col. 6, lines 50 - 54) arranged next to the bar displays. It is inherent in the concept of the bar display that the scaling displays have a visual identification next to the bar display to identify the quantities.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yalla et al. in a view of Durivage and further in a view of Court Decision *In re Stevens*, 212 F.2d 197, 101 USPQ 284 (CCPA 1954). Regarding Claim 17, Durivage shows a scale but does not specify if the proper end of the bar indicating a value to be adjusted at the scale. The Court has held that the adjustability, where needed is not a patentable advance. Therefore, it would have been obvious to one of ordinary skill in the art at the

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time the invention was made to have modified the Yalla et al. solution by adding the bar displays with adjustable heights, since it has been held that the provision of adjustability, where needed, involves only routine skill in the art.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yalla et al in a view of Applicant Admitted Prior Art (AAPA). As was stated above, Yalla et al. disclose all the elements of the Claim 19. However, regarding Claim 18, they do not disclose the LCD elements permanently displaying information regardless whether the power supply is available or not. The Applicant Admitted Prior Art (page 5, lines 31 – 35 of Specification) discloses such LCD displays manufactured and sold by the Kent company. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the Yalla et al. solution by replacing the LCD element by the permanent display LCD element from Kent, because it will make possible to read the last readings of the device in the event of a power outage.

### ***Conclusion***

The prior art made of record not relied upon is considered pertinent to applicant's disclosure: US 5,019,956, US 5,220,479, US 4,429,340, US 6,253,190, US 5,451,879, US 6,522,937.

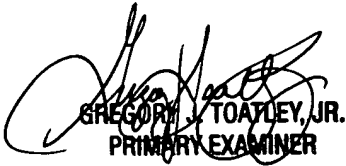
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zeev Kitov whose current telephone number is (703) 305-0759. Due to moving to a new location on January 28, 2004 the number will change

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to (571) 272-2052. The examiner can normally be reached on 8:00 – 4:30. If attempts to reach examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (703) 308-3119. The fax phone number for organization where this application or proceedings is assigned is (703) 872-9306 for all communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Z.K.  
12/29/2003



GREGORY J. TOATLEY, JR.  
PRIMARY EXAMINER